

Chapter 4.40 TRANSPORTATION MITIGATION FEE

4.40.010 Transportation mitigation fee.

- A. The city council of the city finds that future development within the city and within the Coachella Valley to the year 2010 will result in traffic volumes in excess of capacity on the regional system of streets, arterials and highways now existing.
- B. The city council finds that failure to expand the capacity of the existing circulation system will cause unacceptable levels of congestion on the streets and arterials of the regional system.
- C. The city council also finds and declares that in the absence of this chapter imposing a fair share traffic fee upon new development, existing and future sources of revenue are inadequate to fund substantial portions of the regional transportation system improvements needed to avoid unacceptable levels of congestion and related adverse impacts.
- D. The city council finds that exactions from development will construct only a portion of the local and regional facilities and that the adoption of this transportation uniform mitigation fee article will raise the additional revenues needed to construct the improvements to accommodate traffic that will be generated by development of land within the city and within the Coachella Valley.
- E. The city council also finds that the Coachella Valley area transportation study has determined the extent to which the new development of land will generate traffic volumes impacting the roadway system and that this chapter establishes a fair and equitable method for distributing the unfunded costs of transportation improvements necessary to accommodate the traffic volumes generated by such development.
- F. The city council further finds that the regional transportation improvements and the transportation uniform mitigation fee established by this chapter are based on the findings of the 1987 Coachella Valley Area Transportation Study whose policy-committee members represented all nine cities in the Coachella Valley and Riverside County. This study has established that growth in the year 2010 will affect the entire regional transportation system and therefore the area of impact for future development is the entire Coachella Valley as defined in this chapter. The study made the following additional findings:
 1. Population and employment within the Coachella Valley is expected to double by the year 2010 and would cause levels of service E and F (as defined in the National Academy of Sciences 1964 Highway Capacity Manual and as updated in the 1985 Highway Capacity Manual, Special Report 209) on existing streets and arterials.
 2. The Coachella Valley area transportation study shows that by the year 2010 the Coachella Valley will increasingly become a more integrated and interdependent Valley, most as intercity trips for both residents and visitors.
 3. The 1987 Coachella Valley area transportation study modeled and evaluated the effect of projected growth to the year 2010 on all major streets and highways in the Coachella Valley and found that without expansion, the transportation system would suffer severe congestion. Further, the study showed that the recommended transportation improvements would accommodate the traffic anticipated in the year 2010 at the desired level of service C.
 4. In the year 2010, according to the Coachella Valley area transportation study, the valley will remain a self-contained community where jobs and the labor force are well-balanced. The increase in intercity travel, however, will result in an increase in average trip length.

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5. Existing and future sources of public revenues are insufficient to fund all the needed transportation improvements.
 6. The revenues generated by this transportation mitigation fee will provide the additional funds necessary to construct the transportation improvements and provide the additional capacity needed by the year 2010 to accommodate the traffic generated by the development of land in the city and in the Coachella Valley.
 7. The transportation mitigation fee is a fair and equitable method of distributing the cost of transportation improvements among the developments which will generate the increased traffic.
- G. The city council adopts all findings and incorporates by reference all findings contained in the following reports/studies, attached as exhibits on file in the office of the city clerk:
1. Coachella Valley area transportation study, dated December, 1987, exhibit A on file in the office of the city clerk;
 2. Transportation Uniform Mitigation Fee Ordinance Report, dated June, 1988, exhibit B on file in the office of the city clerk;
 3. Transportation Expenditure Plan: Scope and Cost Review, May, 1988 by Bechtel Civil, Inc., exhibit C on file in the office of the city clerk;
 4. Institute of Transportation Engineers (ITE), 3rd Edition, exhibit D on file in the office of the city clerk, with the exception as referenced in Section 4.40.020.

(Prior code § 31-26)

4.40.020 Definitions.

"Coachella Valley" means those combined boundaries of the Palm Springs unified school district, Desert Sands unified school district and that part of the Coachella unified school district within Riverside County.

"Regional system" means the regional system of roads, streets and highways identified by CVAG in its 2016 Transportation Project Prioritization Study (TPPS) to accommodate growth in the Coachella Valley to the year 2040. Only those projects scoring above 7.5 points in the TPPS are included for TUMF consideration.

"The Coachella Valley area transportation study" means that report published by the Southern California Association of Governments and dated December, 1987, attached as exhibit A on file in the office of the city clerk, or as subsequently amended by the entities/jurisdictions of the Coachella Valley Association of Governments.

"Average weekday trips" means the average number of daily vehicle trips to or from a designated land use Monday through Friday.

"Change of use" means any change in the use of an existing building which results in the increase of vehicular trips.

"Trip generation rate" means the number of average weekday trips generated by a particular land use. The trip generation rate for each of the following land-use categories shall be the rate published by the Institute of Transportation Engineers (ITE), 4th edition, or as revised, as noted in Section VII: "Trip Generation Land Use Code," attached as exhibit D on file in the office of the city clerk, calculated upon the measurement specified in this chapter. If a developer is required to prepare a traffic study, the trip-generation rate shall be as determined by that traffic study and approved by the appropriate general purpose government, but in no case may the rates be less than the ITE rates calculated upon the measurement as specified in this chapter. Trip generation rates shall be calculated based upon the following measurement:

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- A. Residential. Single-family, multi-family, condominiums, planned unit developments, and mobilehomes shall be calculated per dwelling unit.
 - B. Lodging. Hotels, resort hotels, and motels shall be calculated per room.
 - C. Restaurants. Low turnover, sit-down, high turnover, and drive-through shall be calculated per one thousand (1,000) square feet gross floor area.
 - D. Retail. Stand-alone convenience store and shopping centers, shall be calculated per one thousand (1,000) gross square feet.
 - E. Office Space. Office space shall be calculated per one thousand (1,000) square feet of gross floor area.
 - F. Banks. Walk-in, with drive-through, savings and loan and savings and loan with drive-through shall be calculated per one thousand (1,000) gross square feet.
 - G. Light Industry/Manufacturing. Industrial park and manufacturing shall be calculated per one thousand (1,000) gross square feet.
 - H. Medical. Hospitals shall be calculated per one thousand (1,000) gross square feet.
 - I. Recreation. Golf courses independent of hotels shall be calculated per parking space; racquet clubs shall be calculated per court.
 - J. Convention Centers. Shall be calculated per one thousand (1,000) gross square feet.

"Development" means any activity which requires discretionary or ministerial action by the city resulting in the issuance of grading, building, plumbing, mechanical, or electrical permits, or certificates of occupancy issued by the city to construct, or change the use of, a building or property. Where development applies to an enlargement of an existing building, or a change of use of an existing building which results in increased vehicle trips, the average weekday trips shall be only the additional trips in excess of those associated with the existing use.

"The Coachella Valley Association of Governments", hereinafter "CVAG," means the legal entity which will manage and administer the transportation uniform mitigation fee in accordance with the laws of the state of California.

(Prior code § 31-27)

(Ord. No. 1126, § 1, 11-14-18)

4.40.030 Applicability.

The provisions of this chapter shall apply only to new development yet to receive final discretionary approval and or issuance of a building permit or other development right and to any reconstruction or new use of existing buildings that results in change of use and generates additional vehicular trips. The provisions of this chapter shall take effect on July 1, 1989.

(Prior code § 31-28)

4.40.040 Establishment of transportation mitigation fee.

- A. There is established a transportation uniform mitigation fee, the proceeds of which shall be placed in the trust fund established by CVAG and used to construct the transportation improvements and provide the additional capacity needed by the year 2010 to accommodate the traffic generated by the development of land in the city and in the Coachella Valley.

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- B. The amount of the mitigation fee shall be based on the trip generation rate and as recommended by CVAG. The council shall adopt by resolution the fee amount recommended by CVAG or may adopt a higher fee amount. The executive committee of CVAG shall annually review and, if necessary, amend the amount of the recommended mitigation fee to insure that it is a fair and equitable method of distributing the costs of the improvements necessary to accommodate traffic volumes generated by future growth.
 - C. The council shall annually review and, if necessary amend the amount of the mitigation fee to insure that it is a fair and equitable method of distributing the costs of the improvements necessary to accommodate traffic volumes generated by future growth. If the amount of the recommended mitigation fee is amended by CVAG pursuant to CVAG's annual review, the council shall amend its fee amount in accord or in an amount greater.
 - D. No tract map, parcel map, conditional use permit, land use permit or other entitlement shall be approved unless payment of the mitigation fee is a condition of approval for any such entitlement. The mitigation fee shall be paid to the city.
 - E. No building or similar permit, certificate of occupancy or business license reflecting a change of use shall be issued unless the applicant has paid the mitigation fee.
 - F. Mitigation fees shall be imposed and collected by the city and shall be transmitted to CVAG to be placed in the Coachella Valley Transportation Mitigation Trust Fund. All interest or other earnings of the fund shall be credited to the fund.

(Prior code § 31-29)

4.40.050 Exemptions.

The following developments are exempted from payment of the fee required by this chapter:

- A. Low and lower-income residential housing, including single-family homes, apartments, and mobilehomes built for those whose income is no more than eighty (80) percent of the median income in the San Bernardino-Riverside Standard Metropolitan Statistical Area and as determined and approved by the legislative body or its designee. The sales or rental price shall not exceed the affordability criteria as established under HUD Section 8 guidelines.

(Prior code § 31-30)

(Ord. No. 1126, § 2, 11-14-18)

4.40.060 Credits.

- A. Where a developer improves those regional streets identified in Section 4.40.080 beyond the requirements established in subsection B of this section, the developer shall receive a credit against the Transportation Uniform Mitigation Fee. To receive a credit, the developer shall obtain in advance an agreement with CVAG pursuant to CVAG's rules and regulations. That credit shall be an amount equal to the actual engineering and construction costs incurred at the time of the development to the extent that CVAG has included those costs in its estimated cost of constructing the regional system.
- B. The fees required by this chapter shall be in addition to any fees, conditions or exactions for on-site and off-site improvements imposed upon projects pursuant to state and local laws, ordinances, or administrative policy which may authorize the imposition of conditions, fees or exactions on development and the developer shall not be entitled to any credits for such fees, conditions or exactions.
- C. If a developer constructs, or is required by the city to construct, any portion of the regional network as identified in Section 4.40.080 in excess of that required to meet standard street requirements as provided by

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local ordinances, municipal codes, and the city's general plan, the developer shall be entitled to a credit for the cost of such excess construction. All such construction on the regional network must have the approval of CVAG as to plans and detailed costs estimates.

- D. Should the credit exceed the applicant's total fee, the difference may be credited against any of the applicant's future development within five years which would be subject to the fee. The credit may not be refunded in cash.
- E. Should a developer provide improvements which benefit adjacent undeveloped land, the developer may be reimbursed for a proportionate share of the cost of such improvements contingent upon future fees contributed from other benefited developments and pursuant to special agreements made in advance with CVAG and in accordance with CVAG's rules and regulations.

(Prior code § 31-31)

4.40.070 Appeal process.

An applicant who disputes the fee may file a written notice of appeal with the executive committee of CVAG within fifteen (15) days of imposition of the fee. The executive committee of CVAG must decide the appeal by majority vote and within sixty (60) days of the filing of the appeal.

(Prior code § 31-32)

4.40.080 List of projects on the regional system.

The following transportation projects are those which when completed will together mitigate the traffic impacts of future growth in the year 2010 throughout the Coachella Valley. The following list of projects shall be annually reviewed and may be amended from time to time by CVAG.

- A. Freeway Interchanges.
 - 1. Gene Autry at I-10;
 - 2. Ramon at I-10;
 - 3. Monterey at I-10;
 - 4. Cook at I-10;
 - 5. Washington at I-10;
 - 6. Jefferson at I-10; and
 - 7. Avenue 56 at Highway 86.
- B. Railroad Crossings South of I-10.
 - 1. Gene Autry Trail;
 - 2. Ramon;
 - 3. Monterey;
 - 4. Cook;
 - 5. Washington; and
 - 6. Avenue 56.

C. Major Primary Arterial (Involving Multiple Jurisdictions).

1. Mid-Valley Parkway (by segment):
 - a. Gene Autry Trail/Palm Drive;
 - b. Gene Autry to Monterey;
 - c. Palm Springs Bypass (Whitewater Bypass);
2. Gene Autry/Palm Drive (North of PS Bypass);
3. Ramon;
4. Gerald Ford;
5. Frank Sinatra;
6. Monterey;
7. Cook;
8. Country Club;
9. 48th Ave.;
10. Madison;
11. Jefferson;
12. Fred Waring Drive;
13. 52nd Ave.;
14. Date Palm Drive;
15. Vista Chino;
16. Washington;
17. Bob Hope; and
18. Avenue 56.

D. Bridges Across Whitewater (Widening or New Bridge).

1. Gene Autry;
2. Ramon;
3. Frank Sinatra;
4. Monterey;
5. Cook;
6. El Dorado;
7. Madison;
8. Washington;
9. Jefferson;
10. Fred Waring Drive (two bridges);
11. Vista Chino; and

12. Country Club.

E. Bridges Over Other Channels:

1. 48th at All American (two bridges);
2. Madison (two bridges);
3. Jefferson (three bridges);
4. Washington (La Quinta Evac Channel);
5. 52nd at All American Canal;
6. Avenue 56 at Coachella Valley Storm Channel (widen); and
7. Ramon Road at Baristo Channel.

The Uniform Transportation Mitigation Fee shall be solely used toward funding the engineering and construction of, and purchasing right-of-way for, these regional system project and any other purpose consistent with this chapter. The fee may not be used for system maintenance.

CVAG shall annually establish priorities for the regional system projects based on the criteria set forth in the Uniform Transportation Mitigation Fee Ordinance Report, Section 4.3, exhibit B.

(Prior code § 31-34)